

**SUPREME COURT MINUTES
MONDAY, NOVEMBER 4, 2002
SAN FRANCISCO, CALIFORNIA**

S098007

A091362 First Appellate District,
Division One

CHAMBERS v. KAY

Opinion filed: Judgment affirmed in full

Majority Opinion by Baxter, J.
--- joined by George, C.J., Kennard,
Werdegar, Chin, Brown, & Moreno, JJ.

S109891

A099137 First Appellate District,
Division Four

WOODMAN (PAUL) ON H.C.

Time extended to grant or deny review

to and including December 12, 2002.

S109961

G031088 Fourth Appellate District,
Division Three

TA (VINH QUOC) ON H.C.

Time extended to grant or deny review

to and including December 19, 2002.

S011636

PEOPLE v. BLAIR (JAMES NELSON)

Extension of time granted

to December 2, 2002 to file appellant's reply
brief. After that date, no further extension is
contemplated. Extension is granted based
upon counsel David Nickerson's
representation that he anticipates filing that
brief by November 30, 2002.

S015008

PEOPLE v. SCHMECK (MARK L.)

Extension of time granted

to January 3, 2003 to file appellant's opening
brief. The court anticipates that after that date,
only one further extension totaling 60
additional days will be granted. Counsel is
ordered to inform his or her assisting attorney
or entity, if any, and assisting attorney or
entity of any separate counsel of record, of
this schedule, and to take all steps necessary to
meet this schedule.

S022481PEOPLE v. NAVARETTE (MARTIN A.)
Extension of time denied

to file appellant's reply brief.

S031603PEOPLE v. LEWIS (JOHN)
Extension of time granted

to January 3, 2003 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S032146PEOPLE v. DANKS (JOSEPH)
Extension of time granted

to January 3, 2003 to file appellant's reply brief. Extension is granted based upon Deputy State Public Defender Musawwir Spiegel's representation that he anticipates filing that brief by January 3, 2003. After that date, no further extension is contemplated.

S035368PEOPLE v. ZAMBRANO (ENRIQUE)
Extension of time granted

to November 21, 2002 to file appellant's reply brief. Extension is granted based upon counsel Robert R. Bryan's representation that he anticipates filing that brief by November 21, 2002. After that date, no further extension will be granted.

S037195PEOPLE v. KENNEDY (JERRY N.)
Extension of time granted

to December 24, 2002 to file appellant's reply brief. After that date, only two further

extensions totaling about 90 additional days will be granted. Extension is granted based upon counsel Michael Satris's representation that he anticipates filing that brief by April 1, 2003.

S038073

PEOPLE v. MANRIQUEZ (ABELINO)
Extension of time granted

to December 30, 2002 to file appellant's opening brief.

S040527

PEOPLE v. DE PRIEST (TIMOTHY LEE)
Extension of time granted

to January 3, 2003 to file respondent's brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Quisteen S. Shum's representation that she anticipates filing that brief by February 7, 2003.

S042346

PEOPLE v. JONES (BRYAN)
Extension of time granted

to January 6, 2003 to file appellant's opening brief.

S045078

PEOPLE v. CLARK (ROYAL)
Extension of time granted

to December 30, 2002 to file appellant's opening brief. After that date, only two further extensions totaling about 90 additional days will be granted. Extension is granted based upon counsel Melissa Hill's representation that she anticipates filing that brief by March 1, 2003.

S056765

PEOPLE v. PARSON (RICHARD R.)
Extension of time granted

to January 6, 2003 to appellant to request correction of the record. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform the Sacramento County Superior Court and his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record of this schedule, and take all steps necessary to meet it. Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S057063

PEOPLE v. ELLIOT (MICHAEL)
Extension of time granted

to December 31, 2002 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Barry L. Morris's representation that he anticipates filing that brief by 2/1/2003.

S065877

PEOPLE v. LOPEZ, SERNA & TRUJEQUE
Extension of time granted

to January 7, 2003 to appellant Trujeque to request correction of the record. After that date, only four further extensions totaling about 240 additional days are contemplated. Extension is granted based upon counsel Mark E. Cutler's representation that he anticipates filing that request in the superior court by 9/1/3003. Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S090684**BOLIN (PAUL CLARENCE) ON H.C.**
Extension of time granted

to December 3, 2002 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 45 additional days will be granted. Extension is granted based upon counsel Jolie Lipsig's representation that she anticipates filing that document by 1/19/2003.

S104414**KING (LARRY DONNELL) ON H.C.**
Extension of time granted

to November 15, 2002 to file petitioner's reply to the informal response.

S104589**LUCERO (PHILLIP L.) ON H.C.**
Extension of time granted

to December 3, 2002 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Ronald A. Jakob's representation that he anticipates filing that document by January 2, 2003.

S105734D036697 Fourth Appellate District,
Division One**PEOPLE v. BARRAGAN**
Extension of time granted

to November 25, 2002 to file respondent's reply brief on the merits.

S107855F029400 Fifth Appellate District
F030300**JONATHAN NEIL & ASSOCIATES v. JONES**
Extension of time granted

to November 27, 2002 to file appellants (Fred Jones et al.) opening brief on the merits.

S107856**CREW (MARK CHRISTOPHER) ON H.C.**
Extension of time granted

to November 6, 2002 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Supervising Deputy Attorney General Peggy S. Ruffra's representation that she anticipates filing that document by November 6, 2002. After that date, no further extension is contemplated.

S107904G027919 Fourth Appellate District,
Division Three**M.(EMILIANO), IN RE**
Extension of time granted

to November 26, 2002 to file appellant's answer brief on the merits.

S110035A093927 First Appellate District,
Division Three**PEOPLE v. ALLEN**
Counsel appointment order filed

Thomas Singman is hereby appointed to represent appellant on his appeal now pending in this court.

S108055**MARCUS ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **Steven H. Marcus, State Bar No. 175251**, be suspended from the practice of law for 30 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 29, 2002. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2003, 2004 and 2005. (Business & Professions Code section 6086.10.)

S108822**SULLIVAN ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **Harold Vincent Sullivan, II, State Bar No. 39889**, be suspended from the practice of law for 18 months, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 75 days. **Harold Vincent Sullivan, II** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed June 10, 2002. Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2003 and 2004. (Bus. & Prof. Code section 6086.10.)

S109179**HONISH ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **Kalieh Rie Honish, State Bar No. 176396**, be suspended from the practice of law for four years, that execution of the suspension be stayed, and that she be placed on probation for four years on condition that she be actually suspended for two years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Kalieh Rie Honish** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Amended Stipulation filed on June 26, 2002. **Kalieh Rie Honish** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs

are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2003 and 2004. (Bus. & Prof. Code section 6086.10.)
*(See Bus. and Prof. Code, § 6126, subd. (c).)

S109188

GYEMANT ON DISCIPLINE
Recommended discipline imposed

It is ordered that **Robert Ernest Gyemant, State Bar No. 42849**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for 18 months subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 10, 2002. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S109194

GUZZETTA ON DISCIPLINE
Recommended discipline imposed

It is ordered that **Rudy David Guzzetta, State Bar No. 59450**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including nine months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 5, 2002, as modified by its order filed June 24, 2002. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after

the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S109195

MERRILL ON DISCIPLINE

Recommended discipline imposed

It is ordered that **Scott Raymond Merrill, State Bar No. 141637**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 30 days and until he makes restitution to Gaylord D. Bryan (or the Client Security Fund, if appropriate) in the amount of \$1000 plus 10% interest per annum from September 7, 2000, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on June 5, 2002; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually

suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S109198

GERMANO ON DISCIPLINE
Recommended discipline imposed

It is ordered that **Richard John Germano, State Bar No. 108326**, be suspended from the practice of law for five years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for four years and until he complies with standard 1.4(c)(ii) as set forth above, and until he makes restitution to Cleo Wilcots (or the Client Security Fund, if appropriate) in the amount of \$ 29,750 plus 10% interest per annum from April 28, 1998, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on July 1, 2002. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the

California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. and Prof. Code, § 6126, subd. (c).)

S109200**MANTLE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **Gregory E. Mantle, State Bar No. 69153**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed June 27, 2002. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code, section 6086.10 and payable in accordance with Business and Professions Code, section 6140.7.

S109343**MINSKY ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **Bernard William Minsky, State Bar No. 20587**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 18, 2002. It is further

ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2003 and 2004. (Bus. & Prof. Code, § 6086.10.)

S109345**CARR ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **Sandra Gale Carr, State Bar No. 60756**, be suspended from the practice of law for three years and until she makes restitution to Delores Garcia (or the Client Security Fund, if appropriate) in the amount of \$950 plus 10% interest per annum from March 21, 2001; to Tony Saccapilltio (or the Client Security Fund, if appropriate) in the amount of \$550 plus 10% interest per annum from May 1, 2001; and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that she be placed on probation for four years on condition that she be actually suspended for two years and until she makes restitution to Delores Garcia (or the Client Security Fund, if appropriate) in the amount of \$950 plus 10% interest per annum from March 21, 2001; to Tony Saccapilltio (or the Client Security Fund, if appropriate) in the amount of \$550 plus 10% interest per annum from May 1, 2001; and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, and until she has shown proof satisfactory to the rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for

Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 18, 2002. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code, section 6086.10 and payable in accordance with Professions Code, section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S109420

BYBERG ON DISCIPLINE

Recommended discipline imposed

It is ordered that **Gregory Bowen Byberg, State Bar No. 162874**, be suspended from the practice of law for 24 months, that execution of the suspension be stayed, and that he be placed on probation for 24 months subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 13, 2002. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S109996

YOUNGER ON RESIGNATION

Voluntary resignation accepted.

The voluntary resignation of **Michael Lewis Younger, State Bar No. 48909**, as a member of the State Bar of California is accepted.

S111035

VERGARA ON RESIGNATION

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **Gonzalo I. Vergara, State Bar No. 212928**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

E030955 Fourth Appellate District,
Division Two

PEOPLE v. JAMES D. EVERY, SR.
Order filed

The time for granting review on the court's own motion is hereby extended to and including December 4, 2002. (Cal. Rules of Court, rule 28(a)(1).)